

# EXHIBIT P

1 IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

2 CIVIL COURT DEPARTMENT

3

4

5 In the Matter of the Marriage of

6 LINDA MONSLOW and Case No. 92 C 1118

7 H. VINCENT MONSLOW

8

9

10

11

12

13

14

15

16 DEPOSITION OF H. VINCENT MONSLOW, the

17 Respondent, taken on behalf of the Petitioner

18 before Barbara L. Brueggemann, CSR, pursuant to

19 Notice on the 7th day of May, 2007, at the

20 offices of Clyde & Wood, LLC, 11600 College

21 Boulevard, Suite 201, Overland Park, Kansas.

22

23

24

25



FILED 2007/05/22 11:10

Page 22

1 Q. How do you spell that last name?  
 2 A. I think it's F-A-R-R-E-L-L-Y.  
 3 Q. Is that a male person?  
 4 A. Yes.  
 5 Q. G-E-N-E is the first --  
 6 A. I would assume. I believe so.  
 7 Q. Anyone else with whom you've dealt?  
 8 A. Their lawyers.  
 9 Q. All right. Who are their lawyers?  
 10 A. There was a firm of Withrow,  
 11 W-I-T-H-R-O-W, & Terranova, and I believe they  
 12 were out of the Carolinas also, and a gentleman  
 13 named Jack -- I think it was Jack Vynalek,  
 14 V-Y-N-A-L-E-K, something like that. He was a  
 15 patent lawyer.  
 16 Q. He's with this firm of Withrow &  
 17 Terranova?  
 18 A. Yes. Also, a firm named Pepper &  
 19 Martin. I forgot where they're from, but  
 20 they're a bigger group I think.  
 21 Q. Pepper & Martin? That raises my  
 22 eyebrows because Blackwell Sanders merged with  
 23 Peper Martin.  
 24 A. You're right. I might have it wrong.  
 25 It's Pepper, Hamilton maybe. Pepper, Hamilton.

Page 23

1 I'm sorry. I think it's something like that.  
 2 Q. Also out of North Carolina or do you  
 3 know?  
 4 A. I don't think so. I think they're out  
 5 of New York.  
 6 Q. Are they an IP firm?  
 7 A. At least they have an IP group.  
 8 Q. Did you have legal representation  
 9 regarding the auction and sale of the patents?  
 10 A. To an extent.  
 11 Q. Other than yourself or any other lawyer  
 12 who may have actually held an interest in the  
 13 patent, did you have any representation?  
 14 A. We had no outside interest; however,  
 15 every member of the group in that first tier  
 16 group is a lawyer. And then Steve Dicky who is  
 17 deceased. His wife is a lawyer and then her  
 18 daughter is a lawyer at Blackwell Sanders, IP  
 19 lawyer.  
 20 Q. All right. Well, since we've gotten to  
 21 this issue, who -- let me give you my  
 22 understanding. I'm trying to make this go  
 23 efficiently. It may not seem it at times, but I  
 24 really am. I understand that on or about the  
 25 date of your divorce from Linda Monslow, the

Page 24

1 ownership in the patent was held with a 52  
 2 percent in your hands, 18 percent in your  
 3 father's, 15 percent in Mr. Armitus -- is that  
 4 how you say it?  
 5 A. Armitus.  
 6 Q. And then 15 percent in Mr. Dickey, I  
 7 believe, at that time; would that be right?  
 8 A. I thought that my dad had 20 percent,  
 9 but maybe it was 18 or is 18. I don't know. I  
 10 haven't been back to look at documents for a  
 11 while.  
 12 Q. I'm not trying to hide the ball. I  
 13 think that's what you testified to. That's why  
 14 I'm saying that.  
 15 A. If I testified to it, I'm sure I knew  
 16 at the time I testified.  
 17 Q. I only set that up so I can understand  
 18 how, if at all, did the ownership then change  
 19 between the date of the divorce or the day you  
 20 gave that testimony and the date of the sale of  
 21 the patent?  
 22 A. It didn't.  
 23 Q. Okay. So even as of the date of the  
 24 sale, your father still held, if I'm correct in  
 25 my recollection of the testimony, 18 percent?

Page 25

1 A. Eighteen percent what? That's the  
 2 critical question. Eighteen percent what?  
 3 Q. All right. Well, I understand there's  
 4 an oral partnership that owned the patents; is  
 5 that correct?  
 6 A. There was an oral partnership of those  
 7 in the first tier that owned the patents, which  
 8 is the Dickey, the Monslow, and the Armitus.  
 9 Q. When you say Monslow, are you including  
 10 you and your father?  
 11 A. No. I'm including me.  
 12 Q. Okay. What is that first tier as you  
 13 call it?  
 14 A. Those are the people that ultimately  
 15 had to step up to the plate and make  
 16 representations and warranties as owner of the  
 17 patent or those with direct ownership interests  
 18 in the patent or to get the sale accomplished.  
 19 Q. Okay. So as first tier, what you mean  
 20 the patents were owned by those three people in  
 21 oral partnership?  
 22 A. Right. Well, Steve Dickey actually had  
 23 a written agreement. Brett Armitus had a verbal  
 24 agreement.  
 25 Q. All right. Mr. Dickey and Mr. Armitus

Page 26

1 were IP lawyers; is that right?  
 2 A. No.  
 3 Q. No. How did they acquire their  
 4 interests in the patent?  
 5 A. Mr. Dickey acquired his IP interest by  
 6 way of an agreement with me that he would have a  
 7 15 percent interest in it.  
 8 Q. What did he do to earn or what  
 9 consideration did he provide for that 15 percent  
 10 interest?  
 11 A. Lawyer work related to the patent.  
 12 Q. And similarly, that's how Mr. Armitus  
 13 achieved his -- or the consideration he provided  
 14 for his 15 percent interest?  
 15 A. No.  
 16 Q. What was the consideration?  
 17 A. He helped pay some of the expenses  
 18 related to the patent.  
 19 Q. Okay. So you said the patents were  
 20 first owned by -- or the first tier of ownership  
 21 was this oral partnership between Mr. Dickey,  
 22 Mr. Armitus, and yourself?  
 23 A. Right.  
 24 Q. And that was with you then owning 70  
 25 percent, Mr. Dickey owning 15 percent, and Mr.

Page 27

1 Armitus owning 15 percent; is that correct?  
 2 A. Right.  
 3 Q. So I'm assuming from the way you've  
 4 answered this question and what you've been  
 5 saying so far is that there was a second tier  
 6 above that?  
 7 A. Right.  
 8 Q. And what was that second tier?  
 9 A. The second tier would be, as I  
 10 testified, that my father gained an interest in  
 11 it through an investment also and that would be  
 12 out of my proceeds. He would get a percentage  
 13 of my proceeds due to investment also.  
 14 Q. And what did your father do to -- what  
 15 consideration did he provide to get this right  
 16 or entitlement?  
 17 A. He paid certain monies for, as I  
 18 recall, either maintenance fees or filings for  
 19 the EPO. It's European Treaty Organization,  
 20 filing European patent apps.  
 21 Q. Just to be clear, there are two patents  
 22 identified by two separate numbers; is that  
 23 right? How many patents are there?  
 24 A. Thank you. There are two patents,  
 25 United States patents. There are the -- and I

Page 28

1 don't remember the numbers, but --  
 2 Q. They're the numbers reflected in the  
 3 Ocean Tomo auction materials, correct?  
 4 A. Those had to have been accurate, yes,  
 5 but those are two US patents. There were  
 6 foreign counterparts filed.  
 7 Q. And what's happened to those, if  
 8 anything?  
 9 A. I don't know how to answer that  
 10 question, what's happened with them. I don't  
 11 know what you mean.  
 12 Q. Do you still own them?  
 13 A. No.  
 14 Q. Do you own any part of them?  
 15 A. No.  
 16 Q. Have they been sold?  
 17 A. Yes.  
 18 Q. Who sold them?  
 19 A. We did.  
 20 Q. Okay. And were those owned in the same  
 21 roughly ownership structure or percentages as  
 22 the United States patents at which we've been  
 23 discussing?  
 24 A. We considered those the same. Let me  
 25 help you out here.

Page 29

1 Q. Sure.  
 2 A. They expired because we didn't keep  
 3 paying the maintenance fees on them because  
 4 they're hefty maintenance fees. As I recall --  
 5 don't hold me to it. Told Ocean Tomo not to  
 6 hold me to it -- there was one in Australia, one  
 7 in Canada, and one in the EPO, which would have  
 8 been Europe, generally, maybe Japan. They  
 9 expired. During the auction process, Ocean Tomo  
 10 approached me and mentioned that some of the  
 11 buyers had noted some foreign counterparts that  
 12 had been filed and wanted us to -- they wondered  
 13 or I assumed, I guess, that we had intended to  
 14 sell those to, to which I told Ocean Tomo that  
 15 we didn't list them because they're expired.  
 16 It's our belief they're expired. Nevertheless,  
 17 Ocean Tomo said that some of the perspective  
 18 buyers wanted them listed as part of the sale,  
 19 whether they had expired or not, because they  
 20 might deem or they maybe deemed that there might  
 21 be some rights flowing from owning them anyway,  
 22 at which time Ocean Tomo provided me a list of  
 23 what the foreign counterparts had been and we  
 24 basically signed off saying whatever we might  
 25 have there -- in quick claim type of language,